

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-01144-TJK**

MALONE v. U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/15/2018

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PATRICK ALLEN MALONE**  
*Esq.*

represented by **Daniel C. Scialpi**  
PATRICK MALONE & ASSOCIATES,  
P.C.  
1310 L Street, NW  
Suite 800  
Washington, DC 20005  
(202) 742-1500  
Fax: (202) 742-1515  
Email: [dscialpi@patrickmalonelaw.com](mailto:dscialpi@patrickmalonelaw.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

represented by **Marsha Wellknown Yee**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2539  
Fax: (202) 252-2599  
Email: [marsha.yee@usdoj.gov](mailto:marsha.yee@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/15/2018	<u>1</u>	COMPLAINT <i>FOR INJUNCTIVE RELIEF</i> against U.S. Department of Health and Human Services ( Filing fee \$ 400 receipt number 0090-5482849) filed by PATRICK ALLEN MALONE. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2, # <u>3</u> Exhibit Ex. 3, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons)(Scialpi, Daniel) (Entered: 05/15/2018)
05/15/2018		Case Assigned to Judge Timothy J. Kelly. (zsth) (Entered: 05/16/2018)
05/16/2018	<u>2</u>	CIVIL COVER SHEET <i>AND SUMMONSES</i> by PATRICK ALLEN MALONE re <u>1</u> Complaint, filed by PATRICK ALLEN MALONE. Related document: <u>1</u> Complaint, filed by PATRICK ALLEN MALONE. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Scialpi, Daniel) (Entered: 05/16/2018)
05/17/2018	<u>3</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (jf) (Entered: 05/17/2018)
06/28/2018	<u>4</u>	NOTICE of Appearance by Marsha Wellknown Yee on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Yee, Marsha) (Entered: 06/28/2018)
06/28/2018	<u>5</u>	Unopposed MOTION for Extension of Time to <i>File Defendant's Response to Plaintiff's Complaint</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Yee, Marsha) (Entered: 06/28/2018)

07/02/2018		MINUTE ORDER granting, nunc pro tunc, Defendant's <u>5</u> Unopposed Motion for Extension of Time to File Response to Plaintiff's Complaint. It is hereby ORDERED that Defendant shall respond to Plaintiff's complaint by August 2, 2018. It is further ORDERED that Plaintiff shall comply with Federal Rule of Civil Procedure 4(l) and file proof of service with the Court by July 30, 2018. Signed by Judge Timothy J. Kelly on 7/2/2018. (lctjk1) (Entered: 07/02/2018)
07/03/2018		Set/Reset Deadlines: Proof of Service due by 7/30/2018. (kh) (Entered: 07/03/2018)
07/16/2018	<u>6</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by PATRICK ALLEN MALONE <i>Proof of Service</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Malone, Patrick) Modified on 7/17/2018 (tth). (Entered: 07/16/2018)
07/17/2018		NOTICE OF ERROR re <u>6</u> Certificate of Service; emailed to pmalone@patrickmalonelaw.com, cc'd 5 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. Counsel must file the proofs of service using the appropriate event under Service of Process. (ztth, ) (Entered: 07/17/2018)
07/17/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/1/2018. Answer due for ALL FEDERAL DEFENDANTS by 7/1/2018. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Malone, Patrick) (Entered: 07/17/2018)
07/17/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/1/2018. (See Docket Entry <u>7</u> to view document). (tth) (Entered: 07/18/2018)
08/02/2018	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Yee, Marsha) (Entered: 08/02/2018)
08/09/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by August 22, 2018. Signed by Judge Timothy J. Kelly on 8/9/2018. (lctjk1) (Entered: 08/09/2018)
08/13/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 8/22/2018. (kh) (Entered: 08/13/2018)
08/22/2018	<u>10</u>	STATUS REPORT ( <i>Joint Proposed Schedule</i> ) by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 08/22/2018)
08/23/2018		MINUTE ORDER: In light of the parties' <u>10</u> Joint Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report by September 25, 2018. Signed by Judge Timothy J. Kelly on 8/23/2018. (lctjk1) (Entered: 08/23/2018)
09/25/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 09/25/2018)
10/11/2018		MINUTE ORDER: In light of the parties' <u>11</u> Joint Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report and, if necessary, a schedule for briefing dispositive motions by October 18, 2018. Signed by Judge Timothy J. Kelly on 10/11/2018. (lctjk1) (Entered: 10/11/2018)
10/18/2018	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 10/18/2018)
10/18/2018		MINUTE ORDER: In light of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report and, if necessary, a schedule for briefing dispositive motions by November 8, 2018. Signed by Judge Timothy J. Kelly on 10/18/2018. (lctjk1) (Entered: 10/18/2018)
11/08/2018	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 11/08/2018)
11/28/2018		MINUTE ORDER. In light of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that Defendant shall file its motion for summary judgment by January 16, 2019; Plaintiff shall file his opposition to Defendant's motion for summary judgment and any cross-motion for summary judgment by January 30, 2019; Defendant shall

		file any reply in further support of its motion for summary judgment and opposition to any cross-motion for summary judgment by February 13, 2019; and Plaintiff shall file his reply in further support of any cross-motion for summary judgment by February 27, 2019. Signed by Judge Timothy J. Kelly on 11/28/2018. (lctjk1) (Entered: 11/28/2018)
01/11/2019	<u>14</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/11/2019)
01/14/2019		MINUTE ORDER granting Defendants' <u>14</u> Consent Motion to Stay. These cases shall be stayed until further order of the Court. It is further ordered that the parties shall file a joint status report within three days after funding is restored for the Department of Justice with a joint proposed schedule for the parties' remaining briefs. Signed by Judge Timothy J. Kelly on 1/14/2018. (lctjk1) (Entered: 01/14/2019)
01/30/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Yee, Marsha) (Entered: 01/30/2019)
01/31/2019		MINUTE ORDER: In light of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that Defendant shall file its motion for summary judgment by February 15, 2019; Plaintiff shall file his opposition to Defendant's motion for summary judgment and any cross-motion for summary judgment by March 4, 2019; Defendant shall file any reply in further support of its motion for summary judgment and opposition to any cross-motion for summary judgment by March 20, 2019; and Plaintiff shall file his reply in further support of any cross-motion for summary judgment by April 3, 2019. It is further ORDERED that the stay in this case is LIFTED. Signed by Judge Timothy J. Kelly on 1/31/2019. (lctjk1) (Entered: 01/31/2019)
02/15/2019	<u>16</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Gorka Garcia-Malene, # <u>3</u> Text of Proposed Order)(Yee, Marsha) (Entered: 02/15/2019)
03/04/2019	<u>17</u>	MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment</i> by PATRICK ALLEN MALONE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit Ex. 1, # <u>5</u> Exhibit Ex. 2)(Scialpi, Daniel) (Entered: 03/04/2019)